

1 FRANK BELL, SBN 038955  
Attorney at Law  
2 303 Bradford Street, Suite C  
Redwood City, CA 94063-1529  
3 Tel: 650 365-8300  
Fax: 650 366-8987

4 Attorney for Defendant  
5 MELINDA NEWENS

**FILED**

MAY - 8 2007

RIGHT TO REMOVAL  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,

12 Plaintiff,

No. CR 06-0273 RMW

13 v.

14 MELINDA NEWENS,

15 Defendant.

**SECOND STIPULATION  
AND ~~PROPOSED~~ ORDER  
RE CONTINUANCE OF  
SENTENCING**

16  
17  
18 Defendant, MELINDA NEWENS, has entered a plea of guilty and is pending  
19 sentencing. The present date for sentencing is Monday, February 26, 2007. After entry  
20 of her plea defendant substituted new counsel, Frank Bell, in the place of her former  
21 counsel. New counsel retained the services of a sentencing consultant and the sentencing  
22 consultant recommended that the defense have Ms. NEWENS psychologically evaluated  
23 in connection with the matter. The evaluation has now been completed but time did not  
24 allow for the probation interview between the probation officer and defendant.

25 Counsel for defendant has consulted with the probation officer assigned to prepare  
26 the pre-sentence investigation report, Benjamin Flores. Because of his heavy workload,

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28 STIP AND ORDER RE CONTINUANCE OF SENTENCING

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1 the probation officer cannot find time to interview the defendant before February 28,  
 2 2007, which is the date now set for the probation interview, two days after the date now  
 3 scheduled for sentencing. He also notes that because of his heavy workload, he cannot  
 4 have the report prepared for the sentencing date if it is before mid to late May. Counsel  
 5 will then be in trial. The probation officer has no objection to a continuance of the  
 6 sentencing for the purpose of the probation interview, his consideration of the  
 7 psychological evaluation and the resetting of dates for the pre-sentence investigation  
 8 matters (i.e. the due dates for the draft report and final report and objections thereto) to  
 9 accommodate any new date for sentencing. Given our respective schedules, he suggested  
 10 the dates of June 11 or June 18, 2007. June 18, 2007 would be the safest date since  
 11 counsel will commence a difficult and complex, four defendant kidnap and rape case in  
 12 San Mateo County on April 28, 2007 which according to estimates of co-defendant  
 13 counsel could take between five and 8 weeks.

14 It is anticipated that this would be the last continuance requested by the defendant  
 15 and that no further continuances would be necessary for any reason we can anticipate at  
 16 this time.

17 WHEREFORE, IT IS HEREBY STIPULATED by the parties that the matter of  
 18 sentencing in this matter may be continued to Monday, June <sup>25</sup>~~28~~, 2007 at 9:00 a.m. and  
 19 that dates concerning the sentencing process for such things as the preparation of the draft  
 20 pre-sentence report, objections thereto, the final pre-sentence investigation report and  
 21 sentencing memoranda are extended consistent with the new sentencing date.


22  
 23 Dated: February 1, 2007

  
 FRANK BELL  
 Attorney for Defendant  
 MELINDA NEWENS

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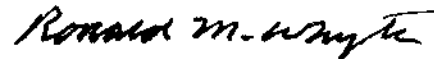
1 Dated: February 7, 2007

  
DAVID CALLAWAY, AUSA.  
Counsel for Plaintiff  
UNITED STATES OF AMERICA

4 Good cause appearing:

5 IT IS SO ORDERED:

7 Dated: 5/8/07

  
Hon. Ronald M. Whyte  
U.S. District Judge

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